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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

BRITTANY WOODMAN,  
  
Plaintiff,  
  
v.  
  
NPAS SOLUTIONS, LLC,  
  
Defendant.

Case No. 2:22-cv-01540

**COMPLAINT AND DEMAND FOR  
JURY TRIAL**

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Plaintiff Brittany Woodman, by and through her attorneys, alleges the following violations of her federal consumer protection rights against Defendant NPAS Solutions, LLC (“NPAS”).

**INTRODUCTION**

1. Count I of Ms. Woodman’s Complaint against NPAS is based upon the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. §227. The TCPA is a federal statute that broadly regulates the use of automated telephone equipment. Among other things, the TCPA prohibits certain unsolicited marketing calls, restricts the use of automatic dialers or prerecorded messages, and delegates rulemaking authority to the Federal Communications Commission (“FCC”).

2. Count II of Ms. Woodman’s Complaint is based upon the Fair Debt Collection Practices Act (“FDCPA”), 15 U.S.C. § 1692, *et al.* The FDCPA is a federal statute that regulates

1 debt collection activities and protects alleged debtors from unfair and harassing debt collection  
2 practices.

3         3.         Count III of Ms. Woodman's Complaint is based upon the Invasion of Privacy -  
4 Intrusion upon Seclusion, as derived from §652B of the Restatement (Second) of Torts. §652B  
5 prohibits an intentional intrusion, "physically or otherwise, upon the solitude or seclusion of  
6 another or his private affairs or concerns . . . that would be highly offensive to a reasonable  
7 person."  
8

### 9                                     **JURISDICTION AND VENUE**

10         4.         Jurisdiction of this court arises under 28 U.S.C. §§1331, 1332, 1367; 47 U.S.C.  
11 §227; and 15 U.S.C. § 1692k(d).  
12

13         5.         Federal question jurisdiction exists because NPAS' conduct violates Plaintiff's  
14 rights under the TCPA and FDCPA, federal statutes providing for a private right of action in  
15 federal district court.

16         6.         Supplemental jurisdiction exists as Plaintiff's Intrusion Upon Seclusion claim  
17 arises from the same transaction or occurrence as the TCPA and FDCPA claims and is so related  
18 as to become part of the same case and controversy as the TCPA and FDCPA claims.  
19

20         7.         Diversity jurisdiction exists between the parties because Ms. Woodman is a  
21 resident of Nevada and NPAS is a resident of Missouri at the time of this complaint, and the  
22 amount of damages in controversy exceeds \$75,000.

23         8.         Venue is proper pursuant to 28 U.S.C. §1391(b)(2) in that a substantial part of the  
24 events giving rise to the claim occurred within the geographic boundary of the District of Nevada  
25 and NPAS has a physical presence, does business in, and has registered agents in this District  
26 and Division.  
27  
28



1 services which are the subject of the transaction were primarily for personal, family, or  
2 household purposes.

3 16. NPAS is attempting to collect one or more alleged debts from Ms. Woodman,  
4 originating from Southern Hills Hospital and Medical Center.  
5

6 17. In or around April 2021, Ms. Woodman decided to seek legal representation  
7 regarding her financial debts.

8 18. On or around April 16, 2021, Ms. Woodman's lawyer informed the legal counsel  
9 of NPAS of Ms. Woodman's legal representation.

10 19. Ms. Woodman's lawyer sent NPAS an executed Power of Attorney which  
11 instructed NPAS to contact Ms. Woodman through her attorneys only.  
12

13 20. NPAS ignored the power of attorney and the instructions to contact Ms.  
14 Woodman through her legal counsel only, attempting to contact Ms. Woodman on her cell phone  
15 directly on four separate occasions after being directly

16 21. Ms. Woodman received the calls from the following numbers: (800) 777-9929  
17 and (800) 888-2238. Upon information and belief, these telephone numbers belong to or are  
18 operated by NPAS.

19 22. NPAS willfully contacted Ms. Woodman directly, with actual knowledge that she  
20 was represented by counsel.  
21

22 23. In the alternative, NPAS negligently failed to comply with the notice from Ms.  
23 Woodman's counsel.

24 24. On each occasion that NPAS called Ms. Woodman, it delivered a prerecorded or  
25 artificial voice message, stating that NPAS was attempting to collect a debt on behalf of  
26 Southern Hills Hospital and Medical Center.  
27  
28



1 NPAS violated 47 U.S.C. §227(b)(1)(A)(iii) which states in pertinent part,  
2 “It shall be unlawful for any person within the United States . . . to make  
3 any call (other than a call made for emergency purposes or made with the  
4 prior express consent of the called party) using any automatic telephone  
5 dialing system or an artificial or prerecorded voice — to any telephone  
6 number assigned to a . . . cellular telephone service . . . or any service for  
7 which the called party is charged for the call.”  
8

9 b. Within four years prior to the filing of this action, on multiple occasions  
10 NPAS violated 47 U.S.C. §227(b)(1)(B) which states in pertinent part,  
11 “[i]t shall be unlawful for any person within the United States . . . to  
12 initiate any telephone call to any residential telephone line using an  
13 artificial or prerecorded voice to deliver a message without the prior  
14 express consent of the called party”.  
15

16 34. As a result of NPAS violations of 47 U.S.C. §227, Plaintiff is entitled to  
17 declaratory judgment that NPAS conduct violated the TCPA, and an award of five hundred  
18 dollars (\$500.00) in statutory damages, for each and every violation, pursuant to §227(b)(3)(B).  
19

20 35. If the Court finds that NPAS knowingly and/or willfully violated the TCPA,  
21 Plaintiff is entitled to an award of one thousand five hundred dollars (\$1,500.00), for each and  
22 every violation pursuant to §227(b)(3)(B), (C).  
23

## **COUNT II**

### **Violations of the FDCPA**

24  
25 36. Plaintiff incorporates by reference the above paragraphs as though fully stated  
26 herein.  
27  
28

1           37. The FDCPA is a comprehensive regulatory scheme that Congress enacted to  
2 eliminate abusive, deceptive, and unfair debt collection practices by debt collectors and to  
3 promote consistent state action to protect consumers against debt collection abuses. 15 U.S.C.  
4 §§ 1692(a), (e).

5  
6           38. When Congress enacted the FDCPA in 1977, Congress had found that abusive  
7 debt collection practices harmed consumers by, among other things, increasing personal  
8 bankruptcy, marital instability, loss of employment, and invasion of privacy.

9           39. Defendant's dunning calls to Plaintiff were deliberately coercive and directly  
10 violative of the FDCPA's prohibition on contacting a represented debtor.

11           40. Upon information and belief, Defendant's primary purpose of the  
12 communication was to unlawfully extract money from Plaintiff by sidestepping Plaintiff's legal  
13 counsel.

14  
15           41. Upon information and belief, Defendant utilizes these false, deceptive,  
16 misleading, unfair, and unconscionable tactics as a matter of course when attempting to collect  
17 debts from consumers such as Plaintiff despite the fact that Defendant knew or should have  
18 known that Plaintiff was represented by counsel and had executed a Power of Attorney  
19 authorizing contact only through counsel.

20  
21           42. Defendant's conduct is intentional. Defendant does not maintain procedures  
22 reasonably adapted to avoid such conduct, but rather intends the conduct.

23           43. Defendant's conduct violated the following sections of the FDCPA, without  
24 limitation:

- 25           a. 15 U.S.C. § 1692d, which provides that a collector may not engage in any  
26           conduct that may harass, oppress, or abuse any person in connection with the  
27  
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collection of a debt; and

b. 15 U.S.C. § 1692c(a)(2), which provides that a collector may not contact a consumer if the debt collector knows the consumer is represented by an attorney with respect to such debt or can readily ascertain the attorney's name and address; and

c. 15 U.S.C. § 1692f, which prohibits a debt collector from using unfair and unconscionable means to collect any debt by attempting to collect any amount unless it is expressly authorized by an agreement or permitted by law.

44. Defendant's acts as described above were done intentionally with the purpose of coercing Plaintiff to pay an alleged debt.

45. Defendant's debt collection actions were false, deceptive, or misleading representations or means used by Defendant in connection with the collection of a debt.

46. As a result of the foregoing violations of the FDCPA, Defendant is liable to Plaintiff for actual damages, statutory damages, costs, and attorney fees. Plaintiff has suffered injuries in fact, including emotional distress, embarrassment, frustration, sleepless nights, and interruption at work

### **COUNT III**

#### **Intrusion Upon Plaintiff's Seclusion**

47. Plaintiff incorporates by reference the above paragraphs as though fully stated herein.

48. NPAS intruded upon Ms. Woodman's seclusion. Restatement of the Law, Second, Torts, §652(b) defines intrusion upon seclusion as "[o]ne who intentionally intrudes . . . upon the solitude or seclusion of another, or his private affairs or concerns, is subject to liability



1 to the other for invasion of privacy, if the intrusion would be highly offensive to a reasonable  
2 person”.

3 49. NPAS violated Ms. Woodman’s privacy. NPAS’ violations include, but are not  
4 limited to, the following:  
5

6 a. NPAS intentionally intruded, physically or otherwise, upon Ms. Woodman’s  
7 solitude and seclusion by engaging in harassing phone calls in an attempt to  
8 collect on an alleged debt despite having informed NPAS she was represented by  
9 counsel.

10 b. The number and frequency of the telephone calls to Ms. Woodman by NPAS  
11 after receiving the power of attorney to cease constitute an intrusion on Ms.  
12 Woodman’s privacy and solitude.

13 c. NPAS’ acts, as described above, were done intentionally with the purpose of  
14 abusing and harassing Ms. Woodman to pay the alleged debt, or to pay more  
15 than Ms. Woodman would otherwise.  
16

17 d. NPAS’ conduct constitutes abuse and harassment and exceeded reasonable  
18 collection efforts.

19 50. As a result of NPAS’ violations of Ms. Woodman’s privacy, NPAS is liable to  
20 Ms. Woodman for actual damages. If the Court finds that the conduct is found to be egregious,  
21 Ms. Woodman may recover punitive damages.  
22

23 **DEMAND FOR JURY TRIAL**

24 Pursuant to Federal Rule of Civil Procedure 38, Ms. Woodman hereby demands a trial by  
25 jury of all issues triable by jury.  
26  
27  
28

**REQUEST FOR RELIEF**

**WHEREFORE**, Plaintiff Brittany Woodman respectfully requests judgment be entered against Defendant NPAS Solutions, LLC for the following:

- A. Declaratory judgment that NPAS violated the TCPA, the FDCPA, and intruded upon Plaintiff's seclusion;
- B. Statutory damages of \$500.00 for each and every negligent violation of the TCPA pursuant to 47 U.S.C. §227(b)(3)(B);
- C. Statutory damages of \$1,500.00 for each and every knowing and/or willful violation of the TCPA pursuant to 47 U.S.C. §227(b)(3)(B), (C);
- D. Actual and statutory damages pursuant to 15 U.S.C. § 1692k(a)(1)-(2);
- E. Injunctive relief prohibiting Defendant's continued abusive debt-collection conduct in violation of the FDCPA;
- F. Plaintiff's reasonable costs and attorney's fees pursuant to 15 U.S.C. § 1692k(a)(3);
- G. Actual and punitive damages for intrusion upon Plaintiff's seclusion;
- H. Awarding Plaintiff any pre-judgment and post-judgment interest as may be allowed under the law; and
- I. Any other relief that this Honorable Court deems appropriate.

Date: September 14, 2022

/s/Michael Yancey III  
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